

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RADLEY M. KING,

Plaintiff,

-v.-

Civil Action No.
9:01-cv-1971 (GLS/VEB)

CHRIST MELLAS, Superintendent,
Lyon Mountain Correctional Facility

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

RADLEY M. KING
Plaintiff Pro Se
98-A-5950
Lyon Mountain Correctional Facility
P.O. Box 3864
Route 374
Lyon Mountain, New York 12952

FOR THE DEFENDANTS:

HON. ANDREW M. CUOMO
Attorney General for the
State of New York
Attorney for Defendants
The Capitol
Albany, New York 12224-0341

RISA L. VIGLUCCI, ESQ.
Assistant Attorney General

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge Victor E. Bianchini, duly filed January 25, 2007. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

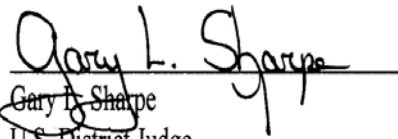
ORDERED, that the Report-Recommendation of Magistrate Judge Victor E. Bianchini filed January 25, 2007 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the petition is DISMISSED because the petitioner has failed to make a substantial showing of denial of a constitution right, it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of Defendant and close this case.

IT IS SO ORDERED

Dated: February 20, 2007
Albany, New York


Gary L. Sharpe
U.S. District Judge